

Green, LindaE

From: Albright, Scott
Sent: Thursday, February 26, 2015 2:24 PM
To: FOIA HQ
Subject: FW: FOIA Request

Importance: High

Hello,

Please see below for a document request that was sent to me yesterday by requester Steven Hershkowitz that needs to be logged in as a new FOIA request.

The lead office for this request should be the Mobile Source Enforcement Branch within OECA's Air Enforcement branch. I believe the custodians who can respond to this request are located in Region 8.

Thanks,

Scott Albright
U.S. EPA
Office of General Counsel
Information Law Practice Group
(202) 564-2884

From: Unger & Hershkowitz [mailto:unger_hershkowitz@att.net]
Sent: Wednesday, February 25, 2015 5:48 PM
To: Albright, Scott
Subject: FOIA Request
Importance: High

Scott Albright, Esq.
General Counsel's Office
U.S. Environmental Protection Agency

FREEDOM OF INFORMATION ACT REQUEST

Mr. Albright,

I am addressing you with the understanding that you will be able accept this inquiry and "convert it" to a FOIA request, and (re-)direct it to the appropriate recipient – (custodian of records) – who will acknowledge the request and then make a determination about the existence and availability of documents which I may be entitled to receive under the FOIA.

Specifically, I am seeking documents containing information relevant to the following matter(s), which I believe may be, and/or might have been at the relevant times, within the jurisdiction of the Denver office of the EPA.

By way of background it is my understanding that, in or about 2010 (possibly before that), at least through 2012, the EPA gave monetary incentives, eg., in the form of tax credits and/or subsidies, to fuel retailers who could make end-user gasoline more efficient through a process of blending the fuel with additives; in this regard the EPA retained the right to approve the blending formulae and additives used by these business, and, accordingly, the businesses involved had to make disclosures about their activities, processes, ownership, etc..

I am particularly seeking documents containing information about the blending activities in or about 2010 through 2012 of **Gulftech Marketing, LP**, a Texas Limited Partnership, including without limitation any documents containing disclosures about: 1) blending processes; 2) ownership; 3) sources of funding; 4) the amount(s) of the monetary incentives actually conferred upon that company; 5) in whose name(s) – (i.e., to whom) - the incentives were conferred; and 6) the sources of the raw product and additives used to blend. The documents I am seeking under these categories include documents submitted to, and received from, the EPA.

I am also seeking the same types of documents which may have been created more recently, possibly within the past several months or weeks, which I believe may contradict some of the documented exchanges or submissions from 2010-2012.

To the extent not contained in the above categories of documents, please also consider my request to include any documents, for any purpose, which memorialize communications by and between the EPA and any of the following individuals/firms: James Ahern, Jr.; Johnny

Cline; Darryl Guthrie; Jud Alexander, Jr., Jay Alexander; Tauber Oil; Alexander Oil Company; and Alexander Trucking Company.

To establish, if necessary, my standing to request these documents, I am counsel of record for Johnny Cline, (aforementioned and a former employee of Gulftech and Alexander Oil Company), in litigation currently pending in the 334th District Court, in Harris County, Texas, between him and the Alexander Oil and Trucking Companies; (cf. Cause No.: 2012-53723).

The documents I am seeking contain information material and directly relevant to issues in the pending litigation.

Thank you for your professional courtesy.

I will await an acknowledge of this inquiry as the first step in the process of compliance with the FOIA.

Steven Hershkowitz

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